Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Thursday 19th June 1980 / 29th Jyaistha 1902(Saka) [No. 408

GOVERNMENT OF KERALA

Public Works (D) Department

DECLARATION

No.26123/D1/80/PW. *Dated, Trivandrum, 17th June* 1980.

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution the President has in his notification No. 215 dated 24-3-1980 entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), in relation to acquisition of lands for the purpose of the Union in this State;

And whereas under subsection (4) of section 19 of the said Act the Government of Kerala have directed that, in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to the lands specified in the schedule below;

And whereas the Government are satisfied that the said lands have to be acquired for a public purpose;

The Government of Kerala hereby declares under section 6 of the Act, that the lands specified in the schedule below and measuring 0.0087 Hectare be the same a little more or less, are needed for a public purpose, to wit, widening and strengthening N.H.47 K.m 470/800-471/00 and under section 7 of the Act, directs the Special Tahsildar (L A) N. H., Quilon to take order for the acquisition of the lands. Further, under subsection (1) of section 19 of the Act, the Government directs that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in subsection (1) of section 9 of the Act.

33/2202/S.

A plan of the lands is kept in the office of the Special Tahsildar (LA) NH., Quilon and may be inspected at any time during office hours.

ഭരണഘടന 258-ാം വകുപ്പ് (1)-ാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി, യൂണിയന്റെ ആവശ്യത്തിനായി ഈ സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ചിടത്തോളം 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കേന്ദ്ര ഗവൺമെന്റിന്റെ പ്രവർത്തികൾ തന്റെ 24-3-1980-ാം തീയതിയിലെ 215-ാം നമ്പർ പരസ്യപ്രകാരം കേരളഗവൺമെന്റിനെ, ആ ഗവൺമെന്റിന്റെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും;

പ്രസ്തുത ആക്റ്റ് 19-ാം വകുപ്പു (4)-ാം ഉപവകുപ്പ് പ്രകാരം കേരള ഗവൺമെന്റ് പ്രസ്തുത സംഗതിയുടെ അടിയന്തിര സ്ഥിതി പരിഗണിച്ച് ആക്റ്റ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമിക്ക് ബാധകമല്ലെന്ന് നിർദ്ദേശിക്കുകയാലും;

പ്രസ്തുത ഭൂമി ഒരു പൊതുകാര്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് ഗവൺമെന്റിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

കേരള ഗവൺമെന്റ് താഴെ കാണുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും, 0.0087 ഹെക്റ്റർ വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി അത് അത്ര തന്നെയോ, അതിൽ അൽപ്പം കുറവോ കൂടുതലോ ആയിരുന്നാലും വേണ്ടതില്ല, ഒരു പൊതുകാര്യത്തിന് അതായത് നാഷണൽ ഹൈവേ 47-ൽ കിലോമീറ്റർ 470/800-471/00-ൽ വീതി കൂട്ടുന്നതിനും ബലപ്പെടുത്തുന്നതിനും ആവശ്യമുണ്ടെന്ന് ആക്റ്റ് 6-ാം വകുപ്പുപ്രകാരം ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിപ്പാൻ ആക്റ്റ് 7-ാം വകുപ്പു പ്രകാരം കൊല്ലം നാഷണൽ ഹൈവേ പൊന്നുംവില സ്പെഷ്യൽ തഹശിൽദാർ എന്ന ആളോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. ആക്റ്റ് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പറഞ്ഞിട്ടുള്ള നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ പതിനഞ്ചു ദിവസം കഴിഞ്ഞാൽ കളക്റ്റർക്ക് ആ ഭൂമി കൈവശപ്പെടുത്താവുന്നതാണെന്നും കൂടി ആക്റ്റ് 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം ഗവൺമെന്റ് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ കൊല്ലം നാഷണൽ ഹൈവേ പൊന്നുംവില സ്പെഷ്യൽ തഹശീൽദാർ എന്ന ആളുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്. ആഫീസ് സമയത്ത് എപ്പോഴെങ്കിലും അത് പരിശോധിക്കുകയും ചെയ്യാം.

SCHEDULE

District—കൊല്ലം. Taluk—കരുനാഗപ്പള്ളി.
Village—കരുനാഗപ്പള്ളി. Block—56.

(The extent given is approximate)

Sl. No.	*Sy. No.*	*Description*	*Extent in Hectare*
1	16253/B2	Dry land.	0.0085
2	16173/3	,,	0.0002

By order of the Governor,
P. SOUMINI,
Joint Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM 1980.

©
Government of Kerala
1980

Reg. No. KL/TV(N)

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Thursday, 19th June 1980 / 29th Jyaistha 1902 [No. 409

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 4889/LA4/80. *Dated, Trivandrum,* 19*th June* 1980.

The Code of Criminal Procedure (Amendment and Validation) Bill, 1980 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary.
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1980

33/2220/MC.

Sixth Kerala Legislative Assembly

Bill No. 18

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT AND VALIDATION) BILL, 1980

A

BILL

to validate certain proceedings of Additional Sessions Judges and the sentences passed and orders made therein and certain committals made by Magistrates.

Preamble.—WHEREAS under section 194 and sub-section (2) of section 381 of the Code of Criminal Procedure, 1973, an Additional Sessions Judge shall try only such cases or hear only such appeals as the Sessions Judge of the division may, by general or special order, make over to him for trial or hearing or as the High Court may, by special order, direct him to try or hear:

AND WHEREAS under section 400 of the said Code, an Additional Sessions Judge can exercise the powers of revision of a Sessions Judge only in respect of any case which may be transferred to him by or under any general or special order of the Sessions Judge;

AND WHEREAS, after the commencement of the said Code, the Additional Sessions Judges in the State of Kerala have tried and disposed of cases and heard and disposed of appeals and passed sentences and orders therein without the general or special orders of the Sessions Judges making over those cases or appeals to them for trial or hearing or the special orders of the High Court directing them to try or hear such cases or appeals and heard and disposed of cases of revision without the general or special orders of the Sessions Judges transferring those cases to them;

AND WHEREAS, after the commencement of the said Code, certain Magistrates have committed cases involving offences exclusively triable by the Court of Session to the Additional Sessions Judges, instead of to the Courts of Session, in violation of section 209 of the said Code;

AND WHEREAS it is expedient to validate such trials and the hearing of such appeals and cases of revision by the Additional Sessions Judges and the sentences and orders passed in such trials, appeals and cases of revision and such committals by Magistrates;

Be it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Code of Criminal Procedure (Amendment and Validation) Act, 1980.

(2) Sub-section (1) of section 3 shall be deemed to have come into force on the 1st day of April, 1974 and the remaining provisions of this Act shall come into force at once.

2. *Interpretation.*—Words and expressions used in this Act and defined in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall have the meanings respectively assigned to them in that Code.

3. *Amendment of Central Act* 2 *of* 1974.—(1) In the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),—

(i) section 194 shall be renumbered as sub-section (1) of that section and, after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) An Additional Sessions Judge may also try such cases as are specifically committed to him by a Mgistrate under this Code.";

(ii) in section 209, in clause (a), the words "or to an Additional Sessions Judge having jurisdiction in that Court of Session" shall be inserted at the end;

(iii) in section 381,—

(a) in sub-section (1), the words, brackets and figure "Subject to the provisions of sub-section (2)," shall be omitted;

(b) in sub-section (2), the words "Additional Sessions Judge," shall be omitted;

(iv) in section 400, the words "in respect of any case which may be transferred to him by or under any general or special order of the Sessions Judge" shall be omitted.

(2) The amendments made by sub-section (1) shall cease to have effect on the day immediately succeeding the date of publication of this Act in the Gazette except as respects cases pending with any Additional Sessions Judge which have been committed to him by a Magistrate before the date of publication of this Act in the Gazette in violation of section 209 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

4. *Validation.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),—

(a) the trial, after the commencement of the said Code and before the date of publication of this Act in the Gazette, by an Additional Sessions Judge of a case committed to him by a Magistrate in violation of section 209 of the said Code or without any general or special order of the Sessions Judge of the division making over such case to him for trial or any direction of the High Court to try such case, and any sentence or order passed by him in such case before the date of such publication;

(b) the hearing, after the commencement of the said Code and before the date of publication of this Act in the Gazette, by an Additional Sessions Judge of any appeal without any general or special order of the Sessions Judge of the division making over such appeal to him for hearing or any direction of the High Court to hear such appeal, and any sentence or order passed by him in such appeal before the date of such publication; and

(c) the hearing, after the commencement of the said Code and before the date of publication of this Act in the Gazette, by an Additional Sessions Judge of any case of revision without any general or special order of the Sessions Judge transferring such case to him and any sentence or order passed in such case before the date of such publication,

shall be deemed to be, and to have always been, valid and in accordance with law as if such case (including a case of revision) or appeal were tried or heard, as the case may be, under and in accordance with the provisions of the said Code as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 194 of the Code of Criminal Procedure, 1973, provides that an Additional Sessions Judge shall try such cases as the Sessions Judge of the division may, by general or special order, make over to him for trial or as the High Court may, by special order, direct him to try. According to sub-section (2) of section 381 of the said Code, the Additional Sessions Judge shall hear only such appeals as the Sessions Judge of the division may, by general or special order, make over to him or as the High Court may, by special order direct him to hear. The above provisions have taken away the power of the State Government under section 193 and 409 of the Code of Criminal Procedure, 1898 (which has been repealed by the Code of Criminal Procedure, 1973), to direct the Additional Sessions Judges to try cases and hear appeals and instead, have given such power to the High Court. Section 400 of the Code of Criminal Procedure, 1973, which provides that an Additional Sessions Judge shall have all the powers of a Sessions Judge in the matter of revision under Chapter XXX of that Code in respect of any case which may be transferred to him by or under any general or special order of the Sessions Judge, is the same as sub-section (2) of section 438 of the Code of Criminal Procedure, 1898.

2. Under sub-section (2) of section 193 and section 409 of the Code of Criminal Procedure, 1898, the State Government had issued notifications directing that all sessions cases and all criminal appeals to the Court of Session arising in certain areas of the State shall be tried and heard by Additional Sessions Judges. After the commencement of the new Code, these notifications may not be considered to be in force. It has been brought to the notice of the Government that after the commencement of the new Code the Additional Sessions Judges in the State have tried and disposed of cases and heard and disposed of appeals and passed sentences and orders therein, without the general or special orders of the Sessions Judges making over those cases or

appeals to them for trial or hearing, or the special orders of the High Court directing them to try or hear such cases or appeals. It has also been brought to the notice of the Government that after such commencement, Additional Sessions Judges have also heard and disposed of cases of revision without the general or special orders of the Sessions Judges transferring those cases to them.

3. According to section 209 of the new Code, cases relating to offences exclusively triable by the Court of Session shall be committed by Magistrates to the Court of Session. It has been brought to the notice of Government that after the commencement of the new Code such cases have been committed by the Magistrates direct to the Additional Sessions Judges and the Additional Sessions Judges have tried and passed orders and sentences including death sentences in such cases.

4. The trial of cases and hearing of appeals and revisions by the Additional Sessions Judges and the orders and sentences passed therein have been challenged in the High Court on the ground of want of jurisdiction. Since the committal by Magistrates and the trial of cases and the hearing of appeals and revisions by the Additional Sessions Judges are without jurisdiction such actions are liable to be set aside by the High Court. It is therefore considered necessary to validate such committals, trials of cases and hearing and disposal of appeals and revisions and the orders and sentences passed in such cases, appeals and revisions.

5. The Bill is intended to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

T. K. RAMAKRISHNAN

©
Government of Kerala
1980

Reg. No. KL/TV(N)/[illegible]

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Thursday, 19th June 1980 / 29th Jyaistha 1902 [No. 410

SECRETARIAT OF THE KERALA LEGISLATURE,

NOTIFICATION

No. 4897/LA4A/80. *Dated, Trivandrum,* 19*th June,* 1980.

The Kerala Plantation Tax (Amendment) Bill, 1980 together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,

Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1980.

33/2222/MC

Sixth Kerala Legislative Assembly
Bill No. 19

THE KERALA PLANTATION TAX (AMENDMENT) BILL, 1980

A

BILL

further to amend the Kerala Plantation Tax Act, 1960.

Preamble.—WHEREAS it is expedient further to amend the Kerala Plantation Tax Act, 1960, for the purposes hereinafter appearing;

BE it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Plantation Tax (Amendment) Act, 1980.

2. *Amendment of Section* 14.—In section 14 of the Kerala Plantation Tax Act, 1960 (17 of 1960) (hereinafter referred to as the principal Act), in sub-section (1), for the words "nine per cent", the words "twelve per cent" shall be substituted.

3. *Amendment of Schedule* I.—For Schedule I to the principal Act, the following Schedule shall be and shall be deemed to have been substituted, with effect on and from the 1st day of April, 1980, namely:—

"SCHEDULE I

[*See* section 3(1)]

Rates of Plantation Tax

	Rate
1. Where the aggregate extent of plantations held by a person does not exceed two hectares	Nil
2. Where the aggregate extent of plantations held by a person exceeds two hectares—	
(a) on the first two hectares	Nil
(b) on the next two hectares	Twenty rupees per hectare
(c) on the next sixteen hectares	Fifty rupees per hectare
(d) on the remaining extent	Seventy rupees per hectare.".

STATEMENT OF OBJECTS AND REASONS

In the budget speech made on the 21st March, 1980, the Minister of Finance had announced that plantation tax would in future be levied only from the third hectare onwards and that the rates of plantation tax would be amended as follows:—

"Upto two hectares	No tax
2 to 4 hectares	Rs. 20 per hectare
4 to 20 hectares	Rs. 50 per hectare
Above 20 hectares	Rs. 70 per hectare.".

2. The Bill seeks to give effect to the above proposal. Opportunity is also proposed to be availed of to enhance the rate of interest payable on arrears of plantation tax from nine per cent per annum to twelve per cent per annum.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

P. S. SREENIVASAN